

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

LABORERS WELFARE FUND OF DELAWARE : CIVIL ACTION  
LOCAL NO. 199, LABORERS OF DELAWARE :  
LOCAL UNION NO. 199 PENSION PLAN, : NO. 07-CV-55(SLR)  
LOCAL 199 LABORERS INTERNATIONAL :  
UNION OF NORTH AMERICA ANNUITY :  
PLAN, LABORERS LOCAL 199 TRAINING :  
AND APPRENTICESHIP FUND and :  
LABORERS LOCAL 199 VACATION FUND :  
(administered through the Laborers Welfare Fund :  
of Delaware Local 199) :  
c/o GEM Group :  
650 Naamans Road, Suite 303 :  
Claymont, DE 19703 :

and

LABORERS'-EMPLOYERS' COOPERATIVE :  
EDUCATION TRUST FUNDS :  
c/o Delaware Contractors Association :  
P.O. Box 6520 :  
Wilmington, DE 19804 :

and

LABORERS INTERNATIONAL UNION OF :  
NORTH AMERICA, LOCAL NO. 199 AFL-CIO :  
532 South Claymont Street :  
Wilmington, DE 19801 :

Plaintiffs

v.

DAVID W. TALLEY GENERAL :  
CONTRACTOR LLC :  
199 Airport Road :  
New Castle, DE 19720 :

Defendant

**SCHEDULING ORDER**

At Wilmington this \_\_\_\_\_ day of \_\_\_\_\_, 2007, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by August 30, 2007 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: payment of contributions and union dues by Defendant

(b) All discovery shall be commenced in time to be completed by November 1, 2007.

(c) Maximum of 20 interrogatories by each party to any other party.

(d) Maximum of 20 requests for admission by each party to any other party.

(e) Maximum of 6 depositions by Plaintiff and 6 depositions by Defendant.

(f) Each deposition limited to a maximum of 6 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by November 1, 2007. Rebuttal expert reports due by December 1, 2007.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to

**two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

**3. Joinder of other Parties, Amendment of Pleadings, and Class**

**Certification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before October 1, 2007.

**4. Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is

referred to Magistrate Judge Thyng for the purposes of exploring ADR.

**5. Summary Judgment Motions.** All summary judgment motions shall be

served and filed with an opening brief on or before January 10, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

**6. Applications by Motion.** Any application to the court shall be by written

motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

**7. Motions in Limine.** All motions in limine shall be filed on or before

\_\_\_\_\_. All responses to said motions shall be filed on or before  
\_\_\_\_\_.

**8. Pretrial Conference.** A pretrial conference will be held on

\_\_\_\_\_ at \_\_\_\_\_ m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a \_\_\_\_\_ trial commencing on \_\_\_\_\_ in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

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United States District Judge

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July 24, 2007

**BY E-FILE**

The Honorable Sue L. Robinson  
United States District Court  
844 King Street  
Wilmington, DE 19801

Re: Laborers Local 199, et. al. v. David W. Talley General Contractor LLC  
C.A. No. 07-55

Dear Chief Judge Robinson:

In anticipation of our Thursday, July 26, 2007 scheduling teleconference in the above captioned matter, the parties jointly submit the attached proposed scheduling order, which sets forth a schedule upon which the parties agree.

Very truly yours,

Timothy J. Snyder

TJS:LL:hs  
Attachment

cc: Neal J. Levitsky, Esquire  
Steven K. Ludwig, Esquire  
Seth Andrew Niederman, Esquire  
Jonathan Walters, Esquire